OIPE TAP45 FEB 28 2006 PATENT & TRADEMARK OFFICE

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent application of	)	Confirmation No. 7021
KARLHEINZ SCHMIDT	)	Group Art Unit: 1654
Serial No. 09/295,302	)	Examiner: A. Gupta
Filed: April 21, 1999	)	Atty. Dkt. No.: 109572-00101

For: AGENT FOR THE MANUFACTURE OF BIOLOGICAL PARTS INCLUDING AN ACTIVE INGREDIENT COMPLEX AND CARRYING MATERIALS SUITABLE FOR THE ACTIVE INGREDIENT COMPLEX

REQUEST FOR CONSIDERATION OF INFORMATION DISCLOSURE STATEMENTS

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In the Notice of Allowability dated November 30, 2005, the Examiner has refused to consider the Information Disclosure Statement filed October 13, 2004 (sic, October 7, 2004) and November 22, 2004 (sic, November 18, 2004), each filed over one year before the Notice of Allowability.

As to the fees to be paid, each Information Disclosure Statement included the request to charge deposit account number 23-2185. Moreover, the facts and circumstances associated with the application are that there was a pending petition to revive that was filed May 23, 2003. That petition was granted October 22, 2004 (received October 25, 2004) after the Information Disclosure Statement filed October 13, 2004 was filed and only one month before the Information Disclosure Statement filed November 18, 2004. Moreover, subsequent to issuance of the grant of the petition, Applicant had filed a Second Status Inquiry on September 29, 2005.



Given that the Information Disclosure Statements were filed more than one year before the Notice of Allowability and given that the Examiner considered the references cited in the August 24, 2001 Information Disclosure Statement on November 22, 2005, there was no reason that the references in the October 7, 2004 and November 18, 2004 Information Disclosure Statements could not be considered.

Applicant respectfully requests consideration of the references filed in the October 7, 2004 and November 18, 2004 Information Disclosure Statements and that initialed copies of Forms PTO-1449 be returned.

Respectfully submitted,

KARLHEINZ SCHMIDT

Michael D. White
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OIPE IAP45
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PATENT & TRADEMARK OFFICE

Docket No. 109572.00101

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Karlheinz SCHMIDT
Application No: 09/295,302
Filed: April 21, 1999
Group Art Unit: 1654
Confirmation No. 7021
Examiner: A. Gupta
For: AGENT FOR THE MANUFACTURE OF BIOLOGICAL PARTS INCLUDING AN ACTIVE INGREDIENT COMPLEX AND CARRYING MATERIALS SUITABLE FOR THE ACTIVE INGREDIENT COMPLEX

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Pursuant to 37 CFR §§ 1.56, 1.97 and 1.98, Applicant(s) wish to make of record the references listed on the attached form PTO/SB/08 (substitute for PTO-1449). Copies of the listed references are attached, where required, as are either statements of relevancy (☐ attached) or any readily available English translations of pertinent portions of any non-English language references.

☐ This Information Disclosure Statement is being filed (a) within three months of the filing date of the subject patent application, OR (b) before the mailing date of a first Office Action on the merits. No certification or fee is required.

☐ This Information Disclosure Statement is being filed more than three months after the U.S. filing date AND after the mailing date of the first Office Action on the merits, but before the mailing date of a Final Rejection or Notice of Allowance.

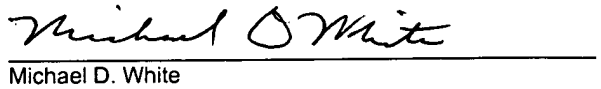
- ☐ Each item of information contained in this information disclosure statement was cited for the first time in any communication from a foreign patent office in any counterpart foreign application not more than three months prior to the filing of this statement. No fee is required.
- ☐ No item of information contained in this information disclosure statement was cited for the first time in any communication from a foreign patent office in a counterpart foreign application or, to the knowledge of the undersigned, having made reasonable inquiry, was known to any individual designated in 37 CFR §1.56(c) more than three months prior to the filing of this statement. No fee is required.
- ☐ A check in the amount of $180.00 is enclosed under 37 CFR §1.17(p).

☒ This Information Disclosure Statement is being filed more than three months after the U.S. filing date and after the mailing date of a Final Rejection or Notice of Allowance, but before payment of the Issue Fee. A check in the amount of $180.00 is enclosed under 37 CFR §1.17(p).

- ☐ Each item of information contained in this information disclosure statement was cited for the first time in any communication from a foreign patent office in any counterpart foreign application not more than three months prior to the filing of this statement.
- ☐ No item of information contained in this information disclosure statement was cited for the first time in any communication from a foreign patent office in a counterpart foreign application or, to the knowledge of the undersigned, having made reasonable inquiry, was known to any individual designated in 37 CFR §1.56(c) more than three months prior to the filing of this statement.

☒ Please charge any additional fees for the papers being filed herewith and for which no check is enclosed herewith, or credit any overpayment to deposit account number 23-2185. A duplicate copy of this sheet is enclosed.

Respectfully submitted,



Michael D. White
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Date: February 28, 2006

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Substitute for form 1449A/PTO

INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(Use as many sheets as necessary)

Sheet | 1 | of | 1

Complete if Known	
Application Number	09/295,302
Filing Date	April 21, 1999
First Named Inventor	Karlheinz SCHMIDT
Art Unit	1654
Examiner Name	A. Gupta
Attorney Docket Number	109572-00101

U. S. PATENT DOCUMENTS

Examiner Initials*	Cite No.[1]	Document Number Number-Kind Code[2] (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		US-5,593,409	01/14/1997	Michelson	
		US-5,824,651	10/20/1998	Nanci et al.	
		US-4,457,984	07/03/1984	Otani et al.	
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FOREIGN PATENT DOCUMENTS

Examiner Initials*	Cite No.[1]	Foreign Patent Document Country Code[3] Number[4] Kind Code[5] (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T[6]
		WO 97/31517	08/28/1997	Danek Medical, Inc.		
		JP 59-211447	11/30/1984			
		JP 57-134154	08/19/1982			

Examiner Signature		Date Considered	

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. 1 Applicant's unique citation designation number (optional). 2 See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. 3 Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). 4 For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. 5 Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. 6 Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.